

PTO Form 1957 (Rev 9/05)

OMB No. 0651-0050 (Exp. 04/2009)

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	78382598
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 115
<b>MARK SECTION (no change)</b>	
<b>OWNER SECTION (current)</b>	
NAME	Pennzoil-Quaker State Company
STREET	700 Milam
CITY	Houston
STATE	Texas
ZIP/POSTAL CODE	77002
COUNTRY	US
<b>OWNER SECTION (proposed)</b>	
NAME	Pennzoil-Quaker State Company
STREET	700 Milam
CITY	Houston
STATE	Texas
ZIP/POSTAL CODE	77002
COUNTRY	US
PHONE	713-241-2698
FAX	713-241-6617
EMAIL	trademarks-t@shell.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
<b>LEGAL ENTITY SECTION (current)</b>	
TYPE	CORPORATION

STATE/COUNTRY OF INCORPORATION	DE
<b>LEGAL ENTITY SECTION (proposed)</b>	
TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	Delaware
<b>ARGUMENT(S)</b>	
<p style="text-align: center;"><b>MOTION FOR RECONSIDERATION IN RESPONSE TO FINAL OFFICE ACTION DATED JUNE 19, 2006</b></p> <p style="text-align: right;">Atty. Dkt. No.: 3352</p> <p>USA</p> <p style="text-align: right;">Date: December 14, 2006</p> <p>Commissioner for Trademarks U.S. Patent and Trademark Office P.O. Box 1451 Alexandria, VA 22313-1451</p> <p>Sir:</p> <p>Applicant acknowledges receipt of the Office Action dated June 19, 2006 in which the Examining Attorney issued a FINAL Refusal to register the above mark on the grounds that it is allegedly confusingly similar to the marks in prior U.S. Registration Nos. 2,059,482 and 2,903,708. In addition, the Examining Attorney required an amendment to the identification of goods. Pursuant to a teleconference with the Examining Attorney, the identification of goods is amended below. The Applicant respectfully requests <b>SUSPENSION</b> of the present application pending the outcome of consent negotiations with the owners of the cited registrations. Additionally, the Applicant respectfully demurs to the refusal to register the mark, and would ask the Examining Attorney to reconsider the refusal based upon the following evidence and law.</p> <p style="text-align: center;"><b><u>Informality</u></b></p> <p>Pursuant to a teleconference with the Examining Attorney, please amend the identification of goods as follows:</p> <p>Automotive air fresheners in International Class 005;</p> <p>Automotive accessories, namely seat covers, steering wheel covers, license plate frames, and sunshades in International Class 012;</p> <p>Automotive accessories, namely file pockets which fit inside of a vehicle in Class 016;</p> <p>Automotive accessories, namely, tinted or reflective plastic film for automobiles in International Class 017;</p> <p>Automotive accessories, namely compartmentalized drawers which fit inside of a vehicle in International Class 020; and</p>	

Automotive accessories, namely, floor mats in International Class 027

**A fee in the amount of \$650.00 is being deposited to cover the addition of International Class Nos. 016 and 020.**

**Request for Suspension**

The Applicant is seeking Consent Agreements from Clark Brands, LLC owner of prior U.S. Registration No. 2,059,482 and Anex USA Products, Inc. owner of prior U.S. Registration No. 2,903,708. The goods and services offered under the cited registrations do not travel in the same channels of trade as the goods offered by the Applicant. The Applicant's goods are high profit, high margin after-market automobile accessories, quite distinguishable from the services offered by the '482 registrant or products sold by the '708 registrant. Moreover, Applicant's goods are sold in very different stores from those recited in the '482 registration, and are purchased under different circumstances and by a different class of purchasers than those recited in the '708 registration. Accordingly, the Applicant has a reasonable basis for belief that the outcome of the consent negotiations will be positive. Any resulting Consent Agreements would constitute credible evidence that there exists no likelihood of confusion, and must be given great weight by the Examining Attorney. *Trademark Manual of Examination Procedure (TMEP)* §1207.01(d)(viii); *Amalgamated Bank of New York v. Amalgamated Trust & Savings Bank*, 842 F.2d 1270, 6 USPQ2d 1305 (Fed. Cir. 1988); *Bongrain International (American) Corp. v. Delice de France Inc.*, 811 F.2d 1479, 1 USPQ2d 1775 (Fed. Cir. 1987); *In re N.A.D. Inc.*, 754 F.2d 996, 224 USPQ 969 (Fed. Cir. 1985); *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1363, 177 USPQ 563, 568 (C.C.P.A. 1973) ("[W]hen those most familiar with use in the marketplace and most interested in precluding confusion enter agreements designed to avoid it, the scales of evidence are clearly tilted."). Accordingly, the Applicant respectfully requests SUSPENSION of the present matter in the event the Examining Attorney is not persuaded to withdraw the Refusals to register based on the identification of goods as amended, as well as the arguments presented below.

**U.S. Registration No. 2,903,708**

The Examining Attorney has failed to take into account that the two cited marks reside on the register, though each is owned by different entities and each offers products and services that are in some way connected to automobiles. The Examiner acknowledges in the Final Refusal of June 19, 2006 that third party registrations may be properly considered in the likelihood of confusion analysis, yet fails to take into account the coexistence of twenty (20) different live, registered marks for ON THE GO, including the two marks cited against the Applicant. By way of example, the '708 registration coexists with U.S. Registration No. 2,530,481 ON THE GO (typed drawing) for

“performance enhancement accessories for cellular/PCs phones and pagers, namely, cellular/PCS batteries (regular and vibrating), DC power adapters for automobiles, AC power cards, DC **power chargers** for automobiles, AC power chargers cords, hands-free microphones, earphones, and speakers” even though the ‘708 mark is identical to this mark, and is used in connection with portable electrical products, including battery chargers, all of which could be found in a car. **Yet the Applicant’s mark is not used in connection with portable electrical products.** This is far more crucial to the likelihood of confusion analysis than the ‘708 mark’s loose association with automobiles. There simply exists no likelihood of confusion with the registration of the Applicant’s mark and the cited ‘708 mark.

**U.S. Registration No. 2,059,482**

The Examining Attorney has failed to take into account the fact that the ‘482 registrant’s protection is for **store services associated with gasoline supply service stations**, not after-market accessories designed to change the cockpit of an automobile. In the Final Refusal, the Examining Attorney glosses over this central fact by observing that the recitation of services in the cited registration is very broad “...in that it provides for retail stores featuring automobile and petroleum products...(therefore)...it will be presumed that the (‘482 registration)...encompasses all goods/services of the general type described, including those in the Applicant’s more specific identification...” The sophistry with this reasoning is two-fold: First, the Applicant is **not providing services**, and the Registrant is **not providing goods**. Secondly, the registrant is not providing retail store services in the abstract, but rather in association with retail gasoline supply services, a fact made very clear by the registration itself.

The Examining Attorney acknowledges that the registration must be analyzed in the context of the services it recites, but instead of viewing the recitation in its totality, the Examiner appears to be dissecting the registration in order to find a degree of relatedness that rises to the level of likelihood of confusion. The ‘482 registration is for “**retail gasoline supply services; retail stores featuring automobile and petroleum products; and retail convenience stores.**” It is not for after-market automotive accessories such as seat covers, air fresheners, or automobile reflective tint. Moreover, the phrase “retail stores featuring automobile and petroleum products” must be read as it was

intended; it connotes a store selling products directly for the *operation of* a vehicle. The **same mark within the same registration** is used for gasoline service stations. The notion that it is proper to pretend that the retail stores in connection with the same mark and registration are actually for something other than car-operations products sold in the forecourt of a service station constitutes deceptive reasoning. In order to substantiate the Examiner's assertion, she writes:

The Examiner only asserts that if the applicant's goods were sold in Registrant's retail establishment, there would be a likelihood of confusion. When the identification in an application or registration does not restrict the channels of trade in which the services are sold, it is presumed that the services move in all normal channels of trade and that they are available to all potential customers. *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981). Thus, in this case it is presumed that the goods/services of the parties move in all normal channels of trade and are available to all potential customers.

If fruit were sold in computer stores, then perhaps there would be a likelihood of confusion between an application to register a mark containing the term APPLE for fruit stands and the mark APPLE COMPUTER. However, fruit is not generally sold in computer stores, and the Applicant's goods are not sold by the '482 registrant. In point of fact, there exists **no evidence** that the Applicant's goods are sold in **any** retail establishments such as those contained in the cited registration. The undersigned has set forth in Applicant's Responses to the Office Actions the type of stores that carry the Applicant's goods; they are not retail stores of the type outlined in the cited mark. Moreover, there exists **no evidence** that the circumstances surrounding the marketing of the '708 mark and the Applicant's mark are such "...that they are likely to be encountered by the same persons under circumstances that would give rise to the mistaken belief that they originate from the same source." *TMEP* §1207.01(a)(i); *Shen Manufacturing Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 73 USPQ2d 1350 (Fed. Cir. 2004); *In re Coors Brewing Co.*, 343 F.3d 1340, 1345, 68 USPQ2d 1059, 1063 (Fed. Cir. 2003) (no likelihood of confusion between applicant's BLUE MOON and design for beer and the registered mark BLUE MOON and design for restaurant services); *Jacobs v. International Multifoods Corp.*, 668 F.2d 1234, 1236, 212 USPQ 641, 642 (C.C.P.A. 1982) (no likelihood of confusion between BOSTON SEA PARTY for restaurant services and BOSTON TEA PARTY for tea); *In re S.D. Fabrics, Inc.*, 223 USPQ 54 (TTAB 1984) (DESIGNERS/FABRIC (stylized) for retail fabric store services held not likely to be confused with DAN RIVER DESIGNER FABRICS and design for

textile fabrics).

Finally, contrary to the assertions of the Examining Attorney, the cited registration **does** in fact restrict the channels of trade for the services. It is clearly associated with retail gasoline supply services (i.e. service stations), and the sale of convenience store and automobile-operations type products in connection therewith. Any other analysis of the services outlined in the cited registration is faulty, wrongly dissects the recitation of services, and fails to take into account the factors laid out in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1363, 177 USPQ 563, 568 (C.C.P.A. 1973), specifically:

- The relatedness of the goods or services as described in an application or registration or in connection with which a prior mark is in use;
- The similarity or dissimilarity of established, likely-to-continue trade channels; and
- The conditions under which and buyers to whom sales are made.

Accordingly, it is submitted that there exists no likelihood of confusion between the goods offered by the Applicant and the services protected in the '482 registration.

#### **Conclusion**

Applicant respectfully urges the Examining Attorney to reconsider the FINAL refusal to register the above mark in light of the fact that the cited marks are unlikely to be confused with the Applicant's mark. The goods offered under the '708 registration and the services offered under the '482 registration are distinguishable from the Applicant's after-market automobile accessories. The fact that the mark is somewhat diluted in the industry also mediates in favor of registration. Accordingly, the Applicant submits that in view of the foregoing, the present application is now in condition for allowance. In the event that the Examiner disagrees with the Applicant's assertions, she is respectfully requested to **SUSPEND** the present application pending the outcome of consent negotiations. If the Examiner has any questions or comments, he is encouraged to telephone the undersigned at (713) 241-2698.

#### **GOODS AND/OR SERVICES SECTION (005)(no change)**

#### **GOODS AND/OR SERVICES SECTION (012)(current)**

INTERNATIONAL CLASS	012
DESCRIPTION	

Automotive accessories, namely seat covers, steering wheel covers, license plate frames, sunshades and organizers, namely drink holders, compartmentalized drawers and file pockets	
FILING BASIS	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (012)(proposed)</b>	
INTERNATIONAL CLASS	012
DESCRIPTION	
Automotive accessories, namely seat covers, steering wheel covers, license plate frames, and sunshades	
FILING BASIS	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (017)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (027)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (016)(class added)</b>	
INTERNATIONAL CLASS	016
DESCRIPTION	
Automotive accessories, namely file pockets which fit inside of a vehicle	
FILING BASIS	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (020)(class added)</b>	
INTERNATIONAL CLASS	020
DESCRIPTION	
Automotive accessories, namely compartmentalized drawers which fit inside of a vehicle	
FILING BASIS	Section 1(b)
<b>CORRESPONDENCE SECTION</b>	
NAME	KIMBLEY L. MULLER
CONFIRM NAME	SHELL OIL COMPANY
STREET	910 Louisiana Street
CITY	Houston
STATE	Texas
ZIP/POSTAL CODE	77002-4916
COUNTRY	United States
PHONE	713-241-2698
FAX	713-241-6617

EMAIL	trademarks-t@shell.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	2
FEE PER CLASS	325
TOTAL FEES DUE	650
<b>SIGNATURE SECTION</b>	
DECLARATION SIGNATURE	/kim muller/
SIGNATORY'S NAME	Kimbley L. Muller
SIGNATORY'S POSITION	Senior Counsel
DATE SIGNED	12/14/2006
RESPONSE SIGNATURE	/kim muller/
SIGNATORY'S NAME	Kimbley L. Muller
SIGNATORY'S POSITION	Senior Counsel
DATE SIGNED	12/14/2006
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Thu Dec 14 15:12:08 EST 2006
TEAS STAMP	USPTO/ROA-134.163.255.13- 20061214151208233139-7838 2598-360c34edec81aba5cdb3 ba266d3e18d6d1-DA-108-200 61214125053379395

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OMB No. 0651-0050 (Exp. 04/2009)

**Response to Office Action****To the Commissioner for Trademarks:**Application serial no. **78382598** has been amended as follows:**Argument(s)**

In response to the substantive refusal(s), please note the following:



**MOTION FOR RECONSIDERATION IN RESPONSE TO  
FINAL OFFICE ACTION DATED JUNE 19, 2006**

Atty. Dkt. No.: 3352

USA

Date: December 14,

2006

Commissioner for Trademarks  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

Sir:

Applicant acknowledges receipt of the Office Action dated June 19, 2006 in which the Examining Attorney issued a FINAL Refusal to register the above mark on the grounds that it is allegedly confusingly similar to the marks in prior U.S. Registration Nos. 2,059,482 and 2,903,708. In addition, the Examining Attorney required an amendment to the identification of goods. Pursuant to a teleconference with the Examining Attorney, the identification of goods is amended below. The Applicant respectfully requests SUSPENSION of the present application pending the outcome of consent negotiations with the owners of the cited registrations. Additionally, the Applicant respectfully demurs to the refusal to register the mark, and would ask the Examining Attorney to reconsider the refusal based upon the following evidence and law.

**Informality**

Pursuant to a teleconference with the Examining Attorney, please amend the identification of goods as follows:

Automotive air fresheners in International Class 005;

Automotive accessories, namely seat covers, steering wheel covers, license plate frames, and sunshades in International Class 012;

Automotive accessories, namely file pockets which fit inside of a vehicle in Class 016;

Automotive accessories, namely, tinted or reflective plastic film for automobiles in International Class 017;

Automotive accessories, namely compartmentalized drawers which fit inside of a vehicle in International Class 020; and

Automotive accessories, namely, floor mats in International Class 027

**A fee in the amount of \$650.00 is being deposited to cover the addition of International Class Nos. 016 and 020.**

**Request for Suspension**

The Applicant is seeking Consent Agreements from Clark Brands, LLC owner of prior U.S. Registration No. 2,059,482 and Anex USA Products, Inc. owner of prior U.S. Registration No.

2,903,708. The goods and services offered under the cited registrations do not travel in the same channels of trade as the goods offered by the Applicant. The Applicant's goods are high profit, high margin after-market automobile accessories, quite distinguishable from the services offered by the '482 registrant or products sold by the '708 registrant. Moreover, Applicant's goods are sold in very different stores from those recited in the '482 registration, and are purchased under different circumstances and by a different class of purchasers than those recited in the '708 registration. Accordingly, the Applicant has a reasonable basis for belief that the outcome of the consent negotiations will be positive. Any resulting Consent Agreements would constitute credible evidence that there exists no likelihood of confusion, and must be given great weight by the Examining Attorney. *Trademark Manual of Examination Procedure (TMEP)* §1207.01(d)(viii); *Amalgamated Bank of New York v. Amalgamated Trust & Savings Bank*, 842 F.2d 1270, 6 USPQ2d 1305 (Fed. Cir. 1988); *Bongrain International (American) Corp. v. Delice de France Inc.*, 811 F.2d 1479, 1 USPQ2d 1775 (Fed. Cir. 1987); *In re N.A.D. Inc.*, 754 F.2d 996, 224 USPQ 969 (Fed. Cir. 1985); *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1363, 177 USPQ 563, 568 (C.C.P.A. 1973) ("[W]hen those most familiar with use in the marketplace and most interested in precluding confusion enter agreements designed to avoid it, the scales of evidence are clearly tilted."). Accordingly, the Applicant respectfully requests SUSPENSION of the present matter in the event the Examining Attorney is not persuaded to withdraw the Refusals to register based on the identification of goods as amended, as well as the arguments presented below.

**U.S. Registration No. 2,903,708**

The Examining Attorney has failed to take into account that the two cited marks reside on the register, though each is owned by different entities and each offers products and services that are in some way connected to automobiles. The Examiner acknowledges in the Final Refusal of June 19, 2006 that third party registrations may be properly considered in the likelihood of confusion analysis, yet fails to take into account the coexistence of twenty (20) different live, registered marks for ON THE GO, including the two marks cited against the Applicant. By way of example, the '708 registration coexists with U.S. Registration No. 2,530,481 ON THE GO (typed drawing) for "performance enhancement accessories for cellular/PCs phones and pagers, namely, cellular/PCS batteries (regular and vibrating), DC power adapters for automobiles, AC power cards, DC **power chargers** for automobiles, AC power chargers cords, hands-free microphones, earphones, and speakers" even though the '708 mark is identical to this mark, and is used in connection with portable electrical products, including battery chargers, all of which could be found in a car. **Yet the Applicant's mark is not used in connection with portable electrical products.** This is far more crucial to the likelihood of confusion analysis than the '708 mark's loose association with automobiles. There simply exists no likelihood of confusion

with the registration of the Applicant's mark and the cited '708 mark.

**U.S. Registration No. 2,059,482**

The Examining Attorney has failed to take into account the fact that the '482 registrant's protection is for **store services associated with gasoline supply service stations**, not after-market accessories designed to change the cockpit of an automobile. In the Final Refusal, the Examining Attorney glosses over this central fact by observing that the recitation of services in the cited registration is very broad "...in that it provides for retail stores featuring automobile and petroleum products... (therefore)...it will be presumed that the ('482 registration)...encompasses all goods/services of the general type described, including those in the Applicant's more specific identification..." The sophistry with this reasoning is two-fold: First, the Applicant is **not providing services**, and the Registrant is **not providing goods**. Secondly, the registrant is not providing retail store services in the abstract, but rather in association with retail gasoline supply services, a fact made very clear by the registration itself.

The Examining Attorney acknowledges that the registration must be analyzed in the context of the services it recites, but instead of viewing the recitation in its totality, the Examiner appears to be dissecting the registration in order to find a degree of relatedness that rises to the level of likelihood of confusion. The '482 registration is for "**retail gasoline supply services; retail stores** featuring automobile and petroleum products; and **retail convenience stores**." It is not for after-market automotive accessories such as seat covers, air fresheners, or automobile reflective tint. Moreover, the phrase "retail stores featuring automobile and petroleum products" must be read as it was intended; it connotes a store selling products directly for the *operation of* a vehicle. The **same mark within the same registration** is used for gasoline service stations. The notion that it is proper to pretend that the retail stores in connection with the same mark and registration are actually for something other than car-operations products sold in the forecourt of a service station constitutes deceptive reasoning. In order to substantiate the Examiner's assertion, she writes:

The Examiner only asserts that if the applicant's goods were sold in Registrant's retail establishment, there would be a likelihood of confusion. When the identification in an application or registration does not restrict the channels of trade in which the services are sold, it is presumed that the services move in all normal channels of trade and that they are available to all potential customers. *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981). Thus, in this case it is presumed that the goods/services of the parties move in all normal channels of trade and are available to all potential customers.

If fruit were sold in computer stores, then perhaps there would be a likelihood of confusion between an application to register a mark containing the term APPLE for fruit stands and the mark APPLE COMPUTER. However, fruit is not generally sold in computer stores, and the Applicant's goods are not sold by the '482 registrant. In point of fact, there exists **no evidence** that the Applicant's goods are sold in **any** retail establishments such as those contained in the cited registration. The undersigned has set forth in Applicant's Responses to the Office Actions the type of stores that carry the Applicant's goods; they are not retail stores of the type outlined in the cited mark. Moreover, there exists **no evidence** that the circumstances surrounding the marketing of the '708 mark and the Applicant's mark are such "...that they are likely to be encountered by the same persons under circumstances that would give rise to the mistaken belief that they originate from the same source." *TMEP* §1207.01(a)(i); *Shen Manufacturing Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 73 USPQ2d 1350 (Fed. Cir. 2004); *In re Coors Brewing Co.*, 343 F.3d 1340, 1345, 68 USPQ2d 1059, 1063 (Fed. Cir. 2003) (no likelihood of confusion between applicant's BLUE MOON and design for beer and the registered mark BLUE MOON and design for restaurant services); *Jacobs v. International Multifoods Corp.*, 668 F.2d 1234, 1236, 212 USPQ 641, 642 (C.C.P.A. 1982) (no likelihood of confusion between BOSTON SEA PARTY for restaurant services and BOSTON TEA PARTY for tea); *In re S.D. Fabrics, Inc.*, 223 USPQ 54 (TTAB 1984) (DESIGNERS/FABRIC (stylized) for retail fabric store services held not likely to be confused with DAN RIVER DESIGNER FABRICS and design for textile fabrics).

Finally, contrary to the assertions of the Examining Attorney, the cited registration **does** in fact restrict the channels of trade for the services. It is clearly associated with retail gasoline supply services (i.e. service stations), and the sale of convenience store and automobile-operations type products in connection therewith. Any other analysis of the services outlined in the cited registration is faulty, wrongly dissects the recitation of services, and fails to take into account the factors laid out in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1363, 177 USPQ 563, 568 (C.C.P.A. 1973), specifically:

- The relatedness of the goods or services as described in an application or registration or in connection with which a prior mark is in use;
- The similarity or dissimilarity of established, likely-to-continue trade channels; and
- The conditions under which and buyers to whom sales are made.

Accordingly, it is submitted that there exists no likelihood of confusion between the goods offered by the Applicant and the services protected in the '482 registration.

#### **Conclusion**

Applicant respectfully urges the Examining Attorney to reconsider the FINAL refusal to register the above mark in light of the fact that the cited marks are unlikely to be confused with the Applicant's mark. The goods offered under the '708 registration and the services offered under the '482 registration are distinguishable from the Applicant's after-market automobile accessories. The fact that the mark is somewhat diluted in the industry also mediates in favor of registration. Accordingly, the Applicant submits that in view of the foregoing, the present application is now in condition for allowance. In the event that the Examiner disagrees with the Applicant's assertions, she is respectfully requested to SUSPEND the present application pending the outcome of consent negotiations. If the Examiner has any questions or comments, he is encouraged to telephone the undersigned at (713) 241-2698.

#### **Classification and Listing of Goods/Services**

##### **Applicant hereby amends the following class of goods/services in the application as follows:**

Current: Class 012 for Automotive accessories, namely seat covers, steering wheel covers, license plate frames, sunshades and organizers, namely drink holders, compartmentalized drawers and file pockets  
Original Filing Basis: 1(b).

Proposed: Class 012 for Automotive accessories, namely seat covers, steering wheel covers, license plate frames, and sunshades  
Filing Basis: 1(b).

##### **Applicant hereby adds the following class of goods/services to the application:**

New:

Class 016 for Automotive accessories, namely file pockets which fit inside of a vehicle

**Section 1(b)**, the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

##### **Applicant hereby adds the following class of goods/services to the application:**

New:

Class 020 for Automotive accessories, namely compartmentalized drawers which fit inside of a vehicle

**Section 1(b)**, the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

#### **Procedural Matters/Informalities**

##### **Applicant proposes to amend the following:**

Original: Pennzoil-Quaker State Company, a corporation of DE, having an address of 700 Milam Houston, Texas US 77002.

Proposed: Pennzoil-Quaker State Company, , a corporation of Delaware, having an address of 700 Milam Houston, Texas US 77002, whose e-mail address is trademarks-t@shell.com, whose phone

number is 713-241-2698 and whose fax number is 713-241-6617.

**Correspondence Address Change**

Applicant proposes to amend the following:

Original: KIMBLEY L. MULLER SHELL OIL COMPANY OSP-4794 910 Louisiana Street Houston TX 77002-4916

Proposed: KIMBLEY L. MULLER of SHELL OIL COMPANY, having an address of OSP-4794 910 Louisiana Street Houston, Texas United States 77002-4916, whose e-mail address is trademarks-t@shell.com, whose phone number is 713-241-2698 and whose fax number is 713-241-6617.

**Fees**

Fee(s) in the amount of \$650 is being submitted.

**Declaration Signature**

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /kim muller/ Date: 12/14/2006

Signatory's Name: Kimbley L. Muller

Signatory's Position: Senior Counsel

**Response Signature**

Signature: /kim muller/ Date: 12/14/2006

Signatory's Name: Kimbley L. Muller

Signatory's Position: Senior Counsel

Mailing Address: KIMBLEY L. MULLER

SHELL OIL COMPANY

OSP-4794

910 Louisiana Street

Houston, Texas 77002-4916

RAM Sale Number: 108

RAM Accounting Date: 12/15/2006

Serial Number: 78382598

Internet Transmission Date: Thu Dec 14 15:12:08 EST 2006

TEAS Stamp: USPTO/ROA-134.163.255.13-200612141512082

33139-78382598-360c34edec81aba5cdb3ba266

d3e18d6d1-DA-108-20061214125053379395

RAM SALE NUMBER: 108  
RAM ACCOUNTING DATE: 20061215

INTERNET TRANSMISSION DATE:

2006/12/14

SERIAL NUMBER:

78/382598

Description	Fee Code	Transaction Date	Fee	Number Of Classes	Total Fees Paid
New App	7001	2006/12/14	325	2	650